

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

SARAH LYNN MALONE)	
)	
Plaintiff,)	Case No.: 24-cv-397 (GTS/CFH)
)	
v.)	
)	
STRATEGIC LIMITED PARTNERS, LP and)	
ROY ANDLING)	
Defendants.)	

**DEFENDANT STRATEGIC LIMITED PARTNERS, LP and ROY ANDLING'S
ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF SARAH LYNN
MALONE'S COMPLAINT**

NOW COMES Defendants, STRATEGIC LIMITED PARTNERS, LP and ROY ANDLING, improperly named as ROY ANDLING, by and through their attorneys, PETERSON JOHNSON & MURRAY, LLC, and for its Answer to Plaintiff's Complaint, states as follows:

1. The Plaintiff herein, Sarah Lynn Malone, is a resident of the State of New York. Sarah Lynn Malone resides at 427 7th Avenue, 2nd floor, Troy New York.

ANSWER: Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 1, and therefore deny the same.

2. The defendants herein, Strategic Limited Partners, LP Is located at 1452 Hughes Rd., Suite 200 Grapevine, Texas and Roy Andling is located at 866 Westshore Court, League City, Texas.

ANSWER: Defendants admit Strategic Limited Partners, LP Is located at 1452 Hughes Rd., Suite 200 Grapevine, Texas, but deny the remaining allegations in Paragraph 2.

3. Between March 29, 2023 and June 17, 2023, Seventeen (17) Illegal text communications were sent to Sarah Lynn Malone's cell phone number (518)779-9769 in violation of TCPA, 47 U.S.C. section 227(b) and 227 (c) and Seventeen (17) violations of New York GBL 399-z.

ANSWER: Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 3.

WHEREFORE, Defendants, STRATEGIC LIMITED PARTNERS, LP and ROY ANDLING, improperly named as ROY ANDLING, deny that Plaintiff is entitled to judgment, and further prays that Plaintiff's Complaint be dismissed with prejudice and for an award of fees and costs to be assessed against the Plaintiff.

DEFENDANTS DEMAND A JURY TRIAL

AFFIRMATIVE DEFENSES

Affirmative Defense One- Lack of Standing

1. Plaintiff lacks Article III standing to bring these TCPA claims, as Plaintiff has not suffered an injury.

Affirmative Defense Two- Set-Off

2. Defendant is entitled to a set-off for all amounts of money received by third parties for the same calls in question.

Affirmative Defense Three- Failure to Join a Necessary Party

3. Plaintiff has failed to join necessary parties and therefore, Plaintiff's claims should be dismissed.

Respectfully submitted,

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